

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

JAMES P. MCCOY PHOTOGRAPHY, INC.,

Plaintiff,

**Stipulated Selection
Of Mediator**

vs.

**BUFFALO NIAGARA CONVENTION & VISITORS
BUREAU, INC., et al.,**

Case No. 08-CV-0612A

Defendants.

IT IS HEREBY STIPULATED AND AGREED, by and between counsel for all parties to this action, that Hugh M. Russ, III, Esq. has been selected, contacted and has agreed to serve as Mediator for this action.

IT IS FURTHER STIPULATED AND AGREED, in consultation with the Mediator, that the initial mediation session will be held during the week of June 1, 2009, at the Mediator's office.

IT IS FURTHER STIPULATED AND AGREED that counsel will participate in the mediation session in good faith and confer with the Mediator regarding the scheduling of additional conference(s), bearing in mind the deadline for the completion of ADR set forth in the Court's Scheduling Order.

Dated: April 30, 2009.
Cleveland, Ohio

BAKER & HOSTETLER LLP

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Certificate of Service

I, Matthew J. Cavanagh, hereby certify that on April 30, 2009, I electronically filed the foregoing with the Clerk of the District Court using its CM/ECF system, which will electronically notify the following CM/ECF participants on this case:

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One of the attorneys for Defendant
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